Amendments to the Claims:

This listing of the claims will replace all prior versions, and listings, of the claims in the application.

Listing of the Claims:

1. (Amended) An actuation device ~~(30)~~ for a flap element~~, in particular~~ of a variable top receptacle ~~(20),~~ having at least one wall element ~~(22)~~ that is pivotable between a first and a second position, wherein the actuation device comprises a fixedly borne spring element ~~(34)~~ that ~~traverses~~ is arranged and constructed to traverse a point of maximum elastic deformation between its first and second position by interacting with the wall element during pivoting of the wall element and wherein the spring element is arranged and constructed so as to assume a substantially unbiased state in each of the first and second positions.

2. (Amended) An actuation device ~~(30)~~ according to claim 1, ~~characterized in that~~ wherein the spring element ~~(34)~~ is a leaf spring.

3. (Amended) An actuation device ~~(30)~~ according to claim 2, ~~characterized in that~~ further comprising a fixed bracket ~~(36)~~ ~~is provided~~, ~~on which bracket~~ wherein one end of the leaf spring ~~(34)~~ is substantially rigidly supported on the bracket in a longitudinal direction of the leaf spring and another end of the leaf spring is movably supported in ~~its~~ the longitudinal direction of the leaf spring.

4. (Amended) An actuation device ~~(30)~~ according to ~~one of claims 2 or~~ claim 3, ~~characterized in that~~ wherein the leaf spring ~~(30)~~ includes two legs connected via a curved portion, wherein the curved portion is arranged and curved such that its curvature lies within an angle (α) traversed by the wall element ~~(22)~~ during its pivoting movement and wherein the middle point of its radius of curvature and the pivotal axis of the wall element lie on opposing sides of the leaf spring.

5. (Amended) An actuation device ~~(30)~~ according to ~~one of the preceding claims~~ claim 5, ~~characterized in that~~ wherein the spring element ~~(34) cooperates~~ is arranged and constructed to cooperate with a lever element ~~(32)~~ that is fixedly ~~present~~ disposed on the wall element ~~(22)~~.

6. (Amended) An actuation device ~~(30)~~ according to claim 5, ~~characterized in that~~ wherein the lever element ~~(32)~~ is affixed to the wall element ~~(22)~~ proximal to the pivotal axis of the wall element.

7. (Amended) An actuation device ~~(30)~~ according to claim ~~5 or~~ 6, ~~characterized in that~~ wherein the lever element is cam-shaped.

8. (Amended) An actuation device ~~(30)~~ according to ~~one of the preceding claims~~ claim 7, ~~characterized in that~~ wherein the point of maximum deflection of the spring element ~~(34)~~ lies substantially at the bisecting line of the angle (α) between the first and second positions of the wall element ~~(22)~~.

9. (Amended) An actuation device ~~(30)~~ according to ~~one of the preceding claims~~ claim 8, ~~characterized in that~~ wherein the spring element ~~(34)~~ elastically biases the wall element ~~(22)~~ at least in the first or the second position.

10. (New) An actuation device according to claim 2, wherein the leaf spring includes two legs connected via a curved portion, wherein the curved portion is arranged and curved such that its curvature lies within an angle (α) traversed by the wall element during its pivoting movement and wherein the middle point of its radius of curvature and the pivotal axis of the wall element lie on opposing sides of the leaf spring.

11. (New) An actuation device according to claim 1, wherein the spring element is arranged and constructed to cooperate with a lever element that is fixedly disposed on the wall element.

12. (New) An actuation device according to claim 11, wherein the lever element is affixed to the wall element proximal to the pivotal axis of the wall element.

13. (New) An actuation device according to claim 5, wherein the lever element is cam-shaped.

14. (New) An actuation device according to claim 1, wherein the point of maximum deflection of the spring element lies substantially at the bisecting line of the angle (α) between the first and second positions of the wall element.

15. (New) An actuation device according to claim 1, wherein the spring element is arranged and constructed to elastically bias the wall element at least in the first or the second position.

16. (New) A vehicle comprising:

a stowable top movably disposed on a body of the vehicle,

a receptacle at least partially disposed in a rear portion of the vehicle body, wherein the receptacle defines a volume that is variable by pivoting a wall element thereof between a first position defining a maximum receptacle volume and a second position defining a minimum receptacle volume, wherein the receptacle is arranged and constructed to accommodate the stowable top in the first position, and

an actuation device comprising a spring element fixedly borne on the vehicle body, the spring element being arranged and constructed to contact the wall element at least during pivoting movement of the wall element and to traverse a point of maximum elastic deformation of the spring element between the first and second position of the wall element, wherein the spring element is arranged and constructed such that the restoring force of the spring element is substantially at a minimum when the wall element is disposed in the first position and the second position, respectively.

17. (New) A vehicle according to claim 16, wherein the spring element is a leaf spring.

18. (New) A vehicle according according to claim 17, wherein the actuation device further comprises a bracket fixedly mounted on a rear trunk lid, wherein a first end of the leaf spring is substantially rigidly supported on the bracket in a longitudinal direction of the leaf spring and a second end of the leaf spring is movably supported in the longitudinal direction of the leaf spring.

19. (New) A vehicle according to claim 18, wherein the actuation device further comprises a lever element rigidly affixed to the wall element proximal to the pivotal axis of the wall element, wherein the leaf spring is arranged and constructed to be deflected by the lever element during pivoting movement of the wall element.

20. (New) A vehicle according to claim 19, wherein the lever element is cam-shaped.